



ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3272

REQUEST FOR SPECIAL PERMIT
Subject to
ENVIRONMENTAL DESIGN REVIEW

Applicant Symmes Redevelopment Associates

Date of Hearing July 11, 2005

Date of Decision September 12, 2005

Date of Filing September 20, 2005

Members

Approved

Opposed

Edward T.H. Berry

Andrew P. West

John J. Lovett

Barbara J. Kelley

Robert J. Chapin

Town Clerk's Certification



TOWN OF ARLINGTON

MASSACHUSETTS 02476

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DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

OPINION OF THE BOARD

This is the decision on an application by Symmes Redevelopment Associates, LLC (SRA or applicant) for special permits needed to construct residential buildings on a portion of the former Symmes Hospital site in the Multi Use (MU) zoning district. SRA proposes to demolish the existing hospital building and to construct several new buildings in townhouse and apartment configurations containing up to 245 units. The proposed buildings are part of the fulfillment of a proposal to redevelop the entire 18 acre site (Site) which is an urban renewal area identified as the Symmes Arlington Conservation and Improvement Project. The redevelopment of the Site is governed by an urban renewal plan approved by the Town Meeting of October 1, 2001 (on 1/16/2002) and amended by the Town Meeting of May 5, 2003 (on 5/12/2003). The redevelopment of the Site is further governed by a Land Disposition Agreement between SRA and the Arlington Redevelopment Board (Board), dated as of August 25, 2004 and restated as of July 25, 2005 (as so amended and restated, the "Land Disposition Agreement" or LDA).

This is the second special permit application for the Site by the applicant. A special permit was previously issued to the applicant for the development of a medical office building on a portion of the Site (the MOB Site). In the process of evaluating the medical office building in a series of hearings beginning April 4, 2005 and concluding June 13, 2005, the Board considered the impacts of the entire proposed development (medical and residential) in order to assure that no part of the proposed development would be permitted if the entire anticipated development could not be permitted. A special permit for the medical development on the MOB Site was issued on June 13, 2005 and filed with the Arlington Town Clerk on June 22, 2005. Consequently, the Board drew some conclusions about the impacts and the mitigation of the impacts of the redevelopment of the Site subject to the urban renewal plan and recorded them in a letter to the applicant dated June 20, 2005. The Board has included its previous conclusions (findings and conditions) as set forth in that letter in its decision about this application.

This Decision relates to the portion of the Site designated for residential development (the Residential Site). The application for the Residential Site is for up to 245 units of multi-family housing and the previously approved permit for the medical office building is for a 26,100 square foot building. The impacts evaluated, however, are based on 275 units of housing and a 40,000 square foot medical office building which was originally the proposed size of development. Therefore, the actual impacts may be somewhat less than the evaluation indicates.

FINDINGS OF FACT

Section 10.11a-1 The uses requested are listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The applicant seeks to construct multi-family housing consisting of town house structures (use 1.04), and apartment houses (use 1.05) which are listed in the Table of Use Regulations as requiring a special permit in the MU zoning district.

The applicant also seeks to construct a temporary sales center containing approximately 2,200 square feet to house sales personnel during the marketing and sales of units. This accessory use (use 8.17) is listed in the Table of Use Regulations as requiring a special permit in the MU zoning district.

The Board finds that the applicant meets requirements of Section 10.11a-1.

Section 10.11a-2 - The requested use is essential or desirable to the public convenience or welfare.

The requested use was sought by the Town in its request for proposals to redevelop the Site. After a lengthy citizen involvement process conducted by the Symmes Advisory Committee, it was concluded that residential development best met the needs of the Town. The Board therefore finds that the proposal is desirable to the public convenience and welfare.

Section 10.11a-3 - The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The traffic impacts of the entire proposed development (medical office plus multi-family residential) have been evaluated by the Symmes Transportation Subcommittee of the Town's Transportation Advisory Committee. The committee's report dated April 11, 2005 provides a very thorough analysis of the traffic impacts and makes recommendations for mitigating the impacts. Conditions suggested in the committee's report have been incorporated below to provide mitigation such that the use will not create undue congestion. With these conditions, the requested use will not create undue traffic congestion or unduly impair pedestrian safety. The Board finds that the proposal meets the requirements of Section 10.11a-3.

Section 10.11a-4 - The requested use will not overload any public water drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposal for the Site includes extensive storm water mitigation in the form of new collection systems and two detention chambers to collect stormwater and slow its release downstream. The change in the amount of impervious area from existing conditions to the proposed development is

apparently slight. Runoff will be collected in the detention chambers, one under the playground in the northeast corner of the Site and one under the Vista Park, which will slow the discharge from the Site. Best management practices such as sediment removing structures (Vortechincs) and deep sump catchbasins will be utilized to reduce suspended solids in the stormwater leaving the Site. The applicant's engineer indicates that the rate of storm water leaving the Site will be less than or equal to that leaving that portion of the Site today.

The proposed use of the Site will generate significantly more sewage flow than the Site does today: 64,460 as opposed to 4,250 gallons per day. In order to mitigate the increased flow, the applicant has worked out an agreement (Letter from E.A. Fish Associates to Director of Public Works dated January 25, 2005) with the Arlington Public Works Department to correct inflow and infiltration (I&I) problems in the sewage system upstream of the Site, thereby reducing the resultant flow that enters the MWRA sewage main downstream of the Site. The public systems will not be overloaded and the Board finds that the requirements of Section 10.11a-4 are met.

Section 10.11a-5 - Any special regulations for the use, set out in Article 11 are fulfilled.

The environmental review standards of Section 11.06 are evaluated below.

EDR-1 **Preservation of Landscape:** The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

As a condition of redeveloping the Site, SRA is required to preserve at least half the Site as open space (as the term open space is defined in the Zoning Bylaw). The spaces are largely the existing treed areas on the Site and much of the space will be protected by a conservation restriction and public access easement executed in favor of the Arlington Conservation Commission and the Arlington Land Trust. The half of the Site that will be developed will undergo extensive grading and clearing of trees, although very little of it contains significant vegetation at present. The applicant proposes extensive landscaping to compliment the buildings which will be constructed resulting most likely in an increase in planted area. Much of the area that will be preserved as open space is on the borders of the Site and forms a natural buffer between the development and the neighboring areas. The Board finds that the proposed landscaping and the protections afforded the open spaces by means of the conservation restriction meet the requirements of EDR-1.

EDR-2 **Relation of the Building to the Environment:** Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.

The applicant proposes to demolish the existing hospital building located near the highest part of the Residential Site. In the location of part of the hospital building, a Vista Park will be located to take advantage of the views of Boston. The residential buildings at the top of the Site will be built where

the remainder of the hospital building is today and to the northeast which is the highest part of the Site. The proposed development is designed to locate the tallest buildings at the center of this area of the Site and locate lower buildings nearer the edges of the Site where the adjoining development is mostly single family residential. The design was chosen by the Board from four proposals submitted partly because of the placement of the buildings on the Site.

The applicant submitted shadow studies that showed that the shadows generated by the proposed buildings have little effect on the neighboring buildings. The effect of most of the shadows is on buildings within the proposed development. The Board finds that the proposed development meets the standards of the EDR-2.

EDR-3 **Open Space:** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

The open space portions of the proposed development serve both the residents of the development and the residents of Arlington. By virtue of the Land Disposition Agreement, SRA is required to preserve at least 50% of the land as open space (as the term open space is defined in the Zoning Bylaw) and much of that will be protected by a conservation restriction and public access agreement. In addition, the Zoning Bylaw requires that the applicant provide open space having an area equal to 50% of the gross floor area of the proposed development. The latter requirement for 192,500 square feet of open space is easily met and includes spaces designed as amenities for the residents as well as spaces designed for the public.

The open spaces in the proposal include spaces designed to compliment the residences and spaces designed for the use and enjoyment of the public, including the construction, operation and maintenance of a public passageway on the Site from the pathway within the area to be subject to conservation restriction to Hospital Road. Open space areas surround most of the Site to buffer the development from the less dense surrounding neighborhood. A public Vista Park is proposed for the part of the Residential Site that the emergency room of the existing hospital building now occupies. The wooded area along Summer Street will be preserved as natural open space. The Board finds that the proposal meets the standard of EDR-3.

EDR-4 **Circulation:** With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The multi-family residential development will be accessed by the existing Hospital Road off of Summer Street. The applicant proposes a new traffic signal at intersection of Hospital Road and Summer Street. Hospital Road will be improved and a sidewalk added as it ascends the hill providing access to the lower residential units and medical office building. As the roadway reaches the top of the Site, it will continue in approximately its current configuration and an additional roadway with sidewalks will ring the Site, providing access to all the proposed buildings at the top of the Site. The roadway connecting the ring road to Woodside Lane will be maintained in its approximate location but will be made one-way in to the Site. A pedestrian walkway in addition to sidewalks is proposed to be built through the Summer Street Woods area along the path of the utility corridor. Both surface and subsurface parking will be provided. Entrances to the parking areas are dispersed on the Site so that traffic has many destinations.

The traffic access and impacts were the subject of extensive study by the Town's Transportation Advisory Committee on behalf of the Board and the findings were submitted in a report dated April 11, 2005. The report made a number of recommendations which are included in the special conditions below. The findings and recommendations in the report are based on a development with 275 residential units and the current proposal is for only 245 units. With the recommended mitigation measures, the Board finds that the proposal meets the standards of EDR-4.

EDR-5 **Surface Water Drainage:** Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11,b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The Site is presently served by a limited storm water collection system in which there is extensive surface water runoff required before stormwater enters any collection system. The proposed stormwater system for the Site increases greatly the number of collectors (catchbasins) and also

adds two detention areas to slow the exit from the Site of the stormwater collected. Water quality structures are employed to reduce the amount of suspended solids that is carried along with the flow of stormwater. These “Best Management Practices” slow the release of stormwater from the Site and remove at least 80% of the suspended solids in the collected stormwater. The Board finds that the proposal meets the standards for surface water drainage.

EDR-6 Utilities Service: Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

Electricity is currently delivered to the Site by overhead wires on Hospital Road. These overhead wires will be maintained a short distance up Hospital Road to Boston Edison Pole No. 2. Thereafter, the applicant proposes delivering electrical power via underground conduit from this location to the development. Sewer, water, gas and electricity that serve the residential portion at the top of the Site will be by underground pipes and conduits in the ring road that circles that part of the Site. Currently gas and water enter the Site from Summer Street through the “Summer Street Woods”. The pipes pass by the west side of the existing nurses residence building. These two utilities will be replaced in the same location and then extended to the lower residential buildings and up to the top of the Site. Similarly, the sewage collection system will exit the Site by following the same path as the utilities ascending the hill. The new sewer line in the ring road and serving the medical office building and lower residential building will connect to the existing sewer line near the nurses residence building; the existing line from the nurses residence to Summer Street will not be replaced by the applicant unless it is necessary.

Waste disposal is located inside the building on the garage level for the large residential buildings. There are two exterior dumpster locations, one near the medical office building and one near the building labeled Cluster B. These are screened and shall be subject to the provisions of the Town Bylaw, Title V, Article 9. The Board finds that the proposal meets the standards of EDR-6.

EDR-7 Advertising Features: The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

As is common in initial submissions for EDR review, signage and advertising features have not been shown in great detail in the plans at this time. The plans show the placement of a sign at the entrance to Hospital Road on Summer Street and signage concepts were presented for the Vista Park area in the public hearing. On the condition that the future design submissions to be made by the applicant in accordance with the requirements of this Decision contain signage details consistent with these concepts, the Board finds that the proposal meets the standard of EDR-7.

EDR-8 Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent

their being incongruous with the existing or contemplated environment and the surrounding properties.

The mechanical equipment for the large residential buildings is located entirely within the structures, either in the garage levels or on the roof and is shielded by the slanted roof constructed at the edges of the buildings (the lower sections of the buildings have slanted roofs and the highest section of the buildings has a slanted roof with an opening at the top). Two electrical transformers are shown on the ground near the two large residential buildings, and will be appropriately screened with landscaping when the utility company fixes their exact location. The application indicates that there are other HVAC units located on the ground near the smaller residential buildings. The Board may make further landscaping suggestions at 50% or 100% review to lessen the visual impact. The Board finds that the proposal meets the standards of EDR-8.

EDR-9 Safety: With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public; and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

Some of the open spaces in this project are intended to remain in a natural state, similar to the way they are at present. Both public and private open spaces are being created. Notably, the Vista Park will be created for the public to enjoy the open space and the views. This space is open and lighted, mostly by bollard lights. The private spaces are immediately adjacent to residential units or are visible from the street. There is a pool area to which access is controlled. Exterior lighting is provided by pole and bollard lights, each in two sizes and are placed to adequately illuminate the circulation areas and care has been taken that no lighting source should be visible from off the Site. The Board finds that the proposal meets the requirements of EDR-9.

EDR-10 Heritage: With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

A portion of the hospital building and the entire nurses residence building are listed as significant buildings in terms of the Arlington Town Bylaw. The Board, owner of the buildings, sought the permission of the Arlington Historical Commission to demolish both buildings. Simultaneously, the Board prevailed upon the applicant to rethink that plan to see if it could save the nurses residence building. The applicant responded by creating a plan to do just that. The entire hospital building will be demolished. The applicant has worked with the Arlington Historical Commission to identify historical artifacts and to incorporate them into proposed development. The applicant has stated that the Vista Park will include artifacts to remind the public who visit of the history of the Site. The Board finds that the applicant meets the standard of EDR-10.

EDR-11 Microclimate: With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface,

ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

The proposed development is placed on the Site in the location of existing buildings and parking lots such that the resultant development creates a very small change in impervious surface. The existing structures on the Site are roughly half the size of the proposed development such that HVAC machinery and its associated emissions should double. The elevation of the Site relative to the surrounding topography likely makes such emissions unnoticeable. Some of the impervious surface that is created by the construction of the garage will be covered by landscaping and there will be extensive landscaping throughout the Site. The proposal has carefully located the mechanical facilities and the Board finds that the proposal meets the standard of EDR-11.

Section 10.11a-6 The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The entire project as proposed (the medical office building and the multi-family residential development), is the development that the Town requested as a result of an exhaustive citizen participation process shepherded by the Symmes Advisory Committee. The requested uses meet most of the many goals the Town sought for the redevelopment of the Site. The residential uses that are proposed were requested by the Town after the Symmes Advisory Committee studied the market and matched the possibilities with the expressed Town needs. The design of the project is sensitive to the surrounding uses in that it locates the higher buildings in the center of the Site and includes an open space buffer at the edges wherever possible. The Board finds that the proposal meets the standard of Section 10.11a-6.

Section 10.11a-7 The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The proposed multi-family residential use does not currently exist in the neighborhood and thus the Board finds that the proposal meets the standard of Section 10.11a-7.

DECISION

Based on the foregoing findings of facts, the Board grants special permits for and with respect to the following sections of the Zoning Bylaw in accordance with the plans and specifications referenced in Appendix A and subject to the conditions set forth below, and directs that this Decision be filed in the Office of the Town Clerk as follows:

Section 5.04 Table of Use Regulations
Use 1.04 Town House Structure
Use 1.05 Apartment House
Use 8.17 Other Accessory Use

Section 6.00 Footnote S, Table of Dimensional & Density
Regulations
Section 6.27 Setbacks under Environmental Design Review
Section 7.09 Signs
Section 8.12,a.(10) and 8.12,a.(11) Parking

The following are conditions to the permits issued by the Arlington Redevelopment Board:

General Conditions

1. The final plans and specifications approved by the Board for these permits shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with the application for building permits. There shall be no material deviation during construction from the approved plans and specifications without the express written approval of the Board.
2. The final plans and specifications for the project, including all buildings, signs, exterior lighting, and landscaping are under the jurisdiction of the Board and shall be consistent with the requirements of this Decision in all respects. The Board shall maintain its jurisdiction over plans and specifications by approving them at 50% and 100% of completion. At the time of submission of the 50% drawings, the applicant shall submit for approval samples of exterior materials proposed for the buildings. Final plans and specifications shall include complete information concerning colors, materials, lighting and other features that comprise the details of the final design. At the time of submission of 100% drawings, the applicant shall submit final signage proposals for the project.
3. Snow removal from all parts of the Residential Site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant and shall be accomplished in accordance with the Town bylaws.
4. All exterior trash and storage areas, on the Residential Site, shall be properly screened and maintained in accordance with Title V, Article 9 of the Bylaws of the Town of Arlington.
5. Trash shall be picked up only on weekdays and only between the hours of 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 3:00 p.m.
6. No final or permanent Certificate of Occupancy shall issue for any of the proposed buildings until such building is completed in its final form and approved by the Board as being in substantial compliance with the final plans and specifications, including the landscape plan.
7. The Inspector of Buildings is hereby notified that he is to monitor the project and should proceed with appropriate enforcement procedures at any time he determines that violations are present. The Inspector of Buildings shall proceed under Section 10.09 of the Zoning Bylaw, under the provisions of Chapter 40A, Section 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may also approve and institute appropriate criminal action also in accordance with Section 10.09.

8. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare. The Board's authority to re-open the permit for any purpose other than enforcement of existing conditions or at the request of the applicant is limited to modifications: (a) made prior to the approval by the Board of 100% drawings; and (b) made necessary by the presence of unforeseen conditions and for circumstances that were not present at the time of the granting of the permit, which modifications shall be the minimum required in order to protect the public interest and welfare from such unforeseen conditions and circumstances.

Special Conditions

1. All utilities serving or traversing the Residential Site (including electric, telephone, cable TV, and other such lines and equipment) shall be underground from the point of Boston Edison pole no. 2 on Hospital Road.
2. Upon installation of landscaping materials and other site improvements, the owner shall remain responsible for such materials and improvements and shall replace and repair such landscaping materials and site improvements as necessary to remain in compliance with the approved site plan.
3. All utility work off Site in public rights-of-way of the Town of Arlington shall be undertaken in accordance with the provisions of the Bylaws of the Town and the Neighborhood Protection Plan cited below.
4. Upon the issuance of the building permit, the applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
5. The following measures must be implemented on or before the date of the issuance of the first certificate of occupancy for a residential building in order to mitigate the traffic impacts of the development of the Residential Site. The measures are drawn from the recommendations contained in the Transportation Advisory Committee (TAC) Report dated April 11, 2005. The TAC recommends a phased approach to the mitigation measures with a re-evaluation of conditions 12 to 18 months after Phase 1 is complete to determine any further mitigation measures that may be needed

PHASE 1

Task A: Summer Street Corridor

A.1 Redesign Summer/Brattle/Hospital intersection to include signal at Hospital Road. (See Section 3 of TAC Report)

A.2 Optimize signal timings at Summer/Mill/Cutter Hill intersection using existing equipment and in cooperation with the Town. The TAC shall specify the goals for the optimization.

A.3 At the Summer/Grove and Summer/Oak Hill intersections, design and install traffic calming measures to include refuge islands and crosswalks at Grove and Oak Hill in accordance with the concept shown in fig. 8 of the TAC Report, without the pedestrian activated in-pavement lights and as approved by the Town.

A.4 Prepare for the possible future installation of a right-turn pocket for westbound traffic turning right from Summer Street to Hospital Road if future (Phase 2) experience indicates that its implementation is of significant benefit. Also provide 3" diameter conduit running along the north side of Summer Street between the signal controller at Hospital Road and Grove Street to be used to coordinate the signal if future review indicates a signal is needed at Grove Street.

Task B: Woodside Lane Access

B.1 Permit one-way access into the Site from Woodside Lane. Design and construct the road to make opposite way travel difficult and as approved by the Arlington Department of Fire Safety.

Task C: Off-Site Roadway Mitigation

C.1 Narrow the entrance to Oak Hill Drive from Summer Street.

C.2 Install curb extensions at Oak Hill Drive and Woodside Lane using the existing drainage structures and as approved by the Engineering Department of the Town.

C.3 Install traffic calming device(s) on Oak Hill Drive north of Woodside Lane contingent upon abutter consensus as determined by the Engineering Department of the Town.

C.4 Install stop sign on Woodside Lane at Oak Hill Drive if approved by the Board of Selectmen.

C.5 Install curb extensions at Woodside Lane, Vista Circle, Hazel Terrace contingent upon abutter approval as determined by the Engineering Department of the Town and with design as approved by the Engineering Department of the Town.

Task D: Pedestrians and Bicycles

D.1 Install sidewalk on entire length of Hospital Road.

D.2 Install sidewalk within the Summer Street right-of-way on the north side of Summer Street from Hospital Road to Oak Hill Drive.

D.3 Add a crosswalk on Hospital Road at the approach to Summer Street.

D.4 Recommend to Mass Highway that a crosswalk be provided at the Summer/Brattle/Hemlock intersection, from the northwest corner of Hemlock to the southeast corner of Brattle and provide a plan for the crosswalk to Mass Highway.

D.5 Add a sidewalk on the hospital side of Woodside Lane between Hospital Road and Oak Hill Drive, contingent on abutter consensus (majority approval) and as approved by the Town. See TAC Report for discussion.

D.6 Install and/or improve sidewalks on west side of upper Hemlock Street between Yerxa and Epping for Stratton Elementary School access.

Task E: Public Transportation

E.1 The owner and its successors shall not take any action that would discourage a shuttle bus operating from Site to Alewife Station and town.

E.2 The owner and its successors shall not take any action that would discourage working with MBTA to increase Route 67 service to the Site and area.

E.4 The owner and its successors shall not take any action that would discourage tenants of the medical office building to employ transportation demand management.

E.5 The owner and its successors shall not take any action that would discourage unbundling the cost of parking in all leases and purchases.

PHASE 2

1. Following the issuance of Certificates of Occupancy for one hundred residential units, provide a \$40,000 letter of credit to be drawn upon by the Town to fund a follow-up survey of traffic conditions after the implementation of the mitigation measures above and after the occupancy of at least 100 of the housing units and to make improvements as determined by the study. The study or studies conducted by the Transportation Advisory Committee should assess the effectiveness of the mitigation measures and recommend any changes or additions needed. The letter of credit may be terminated one year after the issuance of the final certificate of occupancy or the completion of the mitigation measures whichever is later.

6. The proposed development must be carried out in accordance with the Land Disposition Agreement as amended and in effect from time to time.

7. So as to preserve and protect the areas of the Residential Site that will ultimately be protected by the Conservation Restriction described in Section 2 of the Land Disposition

Agreement , prior to the time the Conservation Restriction is in effect, the applicant shall comply with the provisions of the document , entitled INTERIM DECLARATION OF RESTRICTIONS FOR THE CONSERVATION AREAS AT THE FORMER SYMMES HOSPITAL, ARLINGTON, MASSACHUSETTS (the “Interim Declaration”) incorporated into this Decision as Exhibit A. All construction activities must be carried out in accordance with the Interim Declaration.

8. All activities must be carried out in accordance with the Neighborhood Protection Plan dated May 17, 2005, or as may be amended with the approval of the Board.

9. The applicant shall provide a mock up of materials and colors to be constructed at the Site for Board review , at the time of the Board’s reasonable request and prior to construction.

10. The planting of trees on the Residential Site shall be done in accordance with the landscaping plan. Trees six inches in caliper or larger that must be removed in the course of construction in areas that are within the boundaries of the land covered by the Conservation Restriction and Public Access Easement and trees 12” in caliper or larger that must be removed in the course of construction elsewhere on the Residential Site shall be replaced on a caliper inch for caliper inch basis. The applicant shall use best efforts and employ best practices to protect any trees designated as significant specimens by the Board and shall notify the Board in advance regarding any expected inability to comply.

11. Beginning as of the earlier of (a) the issuance of the final Certificate of Occupancy for the last residential unit to be developed on the Residential Site in accordance with the LDA, or (b) five (5) years from the date of issuance of the first foundation permit for residential units to be developed on the Residential Site in accordance with the LDA, or (c) the time the owner turns over control of the Residential Site to a condominium association, the use of the Residential Site will also be governed by (i) the terms of a “Conservation Restriction and Public Access Easement”, in substantially the form incorporated into this Decision as Exhibit B , to be placed on the Site and (ii) the terms of the “Agreement for Management of the Conservation Area” substantially in the form incorporated into this Decision as Exhibit C (the “Management Plan”).

12. In accordance with Section 11.08 of the Zoning Bylaw, the applicant shall provide affordable housing units equal to 15% of the total number of units to households whose total income does not exceed 80% of the median income of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size as determined by the United States Department of Housing and Urban Development (the “Affordable Units”).

a. The applicant shall work with the Board to designate the Affordable Units. The Board shall have final approval of selection and designation of Affordable Units.

b. The applicant shall ensure that an approved deed rider, to be supplied by the Board is appended to all purchase and sale agreements and deeds for the Affordable Units.

c. The applicant shall submit, to the Board, as early as possible, but no later than 60 days prior to applying for any certificate of occupancy, draft condominium documents, which documents shall be subject to review and approval by the Board and legal counsel for the Town. The condominium documents shall provide for:

- (i) one vote per unit owner unless otherwise required by M.G.L. c. 183A.
- (ii) each unit owner's beneficial or percentage interest in the condominium shall be based on the fair value of the unit at the time of the recording of the master deed (it being understood that the fair value of the affordable units shall be based on the initial restricted sales price).

13. In accordance with the Land Disposition Agreement, the applicant shall provide 5% of the total number of units as affordable to households whose income does not exceed 120% of median income of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. Income limits for eligible households and unit prices shall be subject to the approval of the Board. Said units are in addition to the Affordable Units and shall be known as "Middle Income Affordable Units".

a. The price of the Middle Income Affordable Units shall be established no more than one year prior to expected occupancy by the following calculation:

- (i) To determine appropriate household size: for one bedroom units, use household size of 2; for 2 bedroom units, use household size of 3; for three bedroom units, use household of 4;
- (ii) Initial prices should be established so that appropriately sized households earning 120% of area median income spend no more than 30% of gross income toward housing costs;
- (iii) Assume a 5% down payment;
- (iv) Calculate 30% of gross income for housing expenses, which includes mortgage payments, real estate taxes, homeowners insurance, condo fees, and private mortgage insurance (PMI);
- (v) Prevailing interest rates plus 1/4 point, assuming a 30 year term, shall be used to determine mortgage amount.

b. Middle Income Affordable Units shall be dispersed throughout the Residential Site and shall be comparable to market rate units in terms of location, quality and character, room size, number of rooms and bedrooms, and external appearance. The Board shall have final approval of selection and designation of Middle Income Affordable Units.

c. The Middle Income Affordable units shall be deed-restricted to ensure they are affordable for the greater of the maximum time allowed by law or 99 years. The deed restriction shall be subject to the approval of the Board, such approval not to be unreasonably withheld.

d. Prior to commencement of sales and in no event later than 60 days prior to applying for a certificate of occupancy, the applicant shall submit to the Board draft condominium documents, which documents shall be subject to review and approval by the Board and legal counsel for the Town. The condominium documents shall provide for:

- (i) one vote per unit owner unless otherwise required by M.G.L. c. 183A;
- (ii) each unit owner's beneficial or percentage interest in the condominium shall be based on the fair value of the unit at the time of the recording of the master deed (it being understood that the fair value of the affordable units shall be based on the initial restricted sales price).

e. The Board shall be the administering agency and shall designate the Arlington Director of Housing to serve as monitoring agent and to approve the marketing plan for the Middle Income Affordable Units.

14. Certificates of Occupancy shall be issued for market rate units, Affordable Units, and Middle Income Affordable Units on a pro-rata basis, unless the Board, in order to adhere to the designation of units, approves a construction schedule that constructs the Affordable and Middle Income Affordable units at a slower rate.

15. The applicant shall sign the Management Plan (in the form substantially set forth in Exhibit C) within 80 days of the recording of this Decision with the Office of the Town Clerk.

16. The applicant shall ensure that contracts with all of its contractors require compliance with the Interim Declaration, and shall require all of its contractors to require their sub-contractors to similarly comply with the Interim Declaration.

**Symmes Redevelopment Associates
Residential Project
Docket 3272**

APPENDIX A

List of Drawings

| | | |
|-------------------------------------|-----------------------------|------------------------------|
| T1.01 | Title Sheet | June 24, 2005 |
| C1.01 – C1.03 | Existing Conditions | June 24, 2005 |
| C2.01 – c2.03 | Site Layout | June 24, 2005 |
| C3.01 – C3.03 | Site Grading | June 24, 2005 |
| C4.01 - 4.03 | Site Utility | June 24, 2005 |
| L1 – L6 | Site Landscaping & Lighting | June 24, 2005, rev. 8/22/05 |
| A2.01 - A2.15 | Floor Plans | June 24, 2005 |
| A3.01 - A3.04 | Elevations | June 24, 2005 |
| Powerpoint Presentation | | July 12, 2005 |
| Powerpoint Presentation | | July 18, 2005 |
| Powerpoint Presentation | | July 25, 2005 |
| Dimensional and Parking Information | | rev. 8/29/05 (rec'd 9/12/05) |

Documents Relied Upon in Issuing this Decision:

Symmes Hospital Redevelopment, Transportation Overview, prepared by Howard / Stein-Hudson, September 13, 2004

Transportation Advisory Committee Report dated April 11, 2005

Neighborhood Protection Plan dated May 17, 2005

Offer to Correct Inflow & Infiltration in Sanitary Sewer, Letter from E.A. Fish Associates to Director of Public Works dated January 25, 2005

Exhibit A

Exhibit A to this Decision is the August 17, 2005 draft of the document entitled “Interim Declaration of Restrictions for the Conservation Areas at the Former Symmes Hospital, Arlington, Massachusetts” as negotiated between the Board and the applicant.

A copy of the document has been presented to the applicant and is on file with the Board.

Exhibit B

Exhibit B to this Decision is the August 17, 2005 draft of the document entitled “Conservation Restriction and Public Access Easement to Arlington Conservation Commission and Arlington Land Trust for Symmes Vista Park and Summer Street Woods” as negotiate between the Board and the applicant.

A copy of the document has been presented to the applicant and is on file with the Board.

Exhibit C

Exhibit C to this Decision is the August 17, 2005 draft of the document entitled “Agreement for Management of the Conservation Area” as negotiated between the Board and the applicant.

A copy of the document has been presented to the applicant and is on file with the Board.